

improper digestion of food, pressure in the chest, gripping abdominal pains, rheumatic pains, etc. \* \* \* cleanses intestines, stomach, blood, regulates the functions of the liver, spleen, kidneys, gallbladder, etc. \* \* \* Prevents the serious spreading of human afflictions, as cancer, ulcers, inflammation of the appendix, liver, etc. \* \* \* Convince yourself, what this tea does for your system. Regain Your Strength! Rebuild Your Vitality"; (circular) "Health! Health! [Similar statements in a foreign language in the circular]"; (Arko Eczema Salve) The word "Eczema" in the name of the article; (jar) "Recommended in the treatment of eczema, tetter, itch, and other skin diseases. \* \* \* Use it until complete recovery is obtained, [similar statements in a foreign language]"; (reference book) "Cures Eczema, itching scurf, tetter and other skin diseases. While under treatment use Tea No. 10 in order to purify your blood, and regulate your system. \* \* \* Use this Ointment until completely cured"; (Arko Healing Salve) The Word "Healing" in the name of the article; (jar) "Spread the salve thickly on a cloth, place over the sore, and bind. [similar statement in foreign language]"; (reference book) "For running sores of long duration, other type of sores, boils difficult to heal, abscesses, tumours, wounds, etc. \* \* \* apply to the sore spot and bandage."

On September 28, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23273. Misbranding of compound syrup of hypophosphites. U. S. v. 363 Bottles of Syrup of Hypophosphites Comp. N. F. Default decree of condemnation. Product delivered to Veterans' Administration. (F. & D. no. 33133. Sample nos. 62517-A, 5080-B.)**

Sample bottles of the product involved in this case were found to contain less than 1 pint, the volume declared on the label.

On or about July 27, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 363 bottles of syrup of hypophosphites compound at Perry Point, Md., alleging that the article had been shipped in interstate commerce, on or about May 29, 1933, by James Good, Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled, "One Pint."

The article was alleged to be misbranded in that the statement on the label, "One Pint", was false and misleading.

On October 1, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to the Veterans' Administration.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23274. Misbranding of Dr. Holbrook's Ka-Kolo. U. S. v. 19 Packages of Dr. Holbrook's Ka-Kolo. Default decree of condemnation and destruction. (F. & D. no. 33146. Sample no. 68365-A.)**

This case involved a drug preparation labeled to convey the impression that it was essentially a kola product. Examination showed that it contained acetanilid which would produce its principal physiological effect, the caffeine present in the product being relatively unimportant, and that acetanilid was present in excess of the amount declared on the label. The labeling bore unwarranted curative and therapeutic claims.

On August 13, 1934, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 packages of Dr. Holbrook's Ka-Kolo at Derry, N. H., alleging that the articles had been shipped in interstate commerce, on or about July 24, 1934, by John Broadhead, from Methuen, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dr. Holbrook's Ka-Kolo \* \* \* Holbrook Kola Company, Boston, Mass."

Analysis of a sample showed that the article consisted essentially per powder of acetanilid (4.68 grains), caffeine (1.0 grain), sodium bicarbonate (1.9 grains), and crude drugs including celery seed, cinnamon, and capsicum.

The article was alleged to be misbranded in that the statement, (carton) "Each powder contains \* \* \* 3.6 grs. acetanilide", was false and misleading, since each powder contained materially more acetanilid than 3.6 grains and in that the following statements were false and misleading: (Car-

ton) "This Preparation formerly known as Dr. Holbrook's Kola Powder"; (circular) "This Preparation Manufactured and Sold by us for 15 years under the name of Dr. Holbrook's Kola Powders Kola (*Stercula Acuminata*) One of the most valuable of recent discoveries in the medical world comes from Western Africa, being the fruit of a tall handsome tree, resembling somewhat our horse chestnut. This nut, or seed, about the size of a pigeon's egg, is, when powdered, of a bright red color, having a slightly pungent aromatic taste. Called in Guinea, 'Kola Nut'; In the Soudan 'Goru Nut.' It has for centuries been highly prized by the natives for its great nourishing and medicinal value. When gathered, they are bitter and unpalatable. Placed on mats by the women, and carefully dried in the sun, the taste is by no means unpleasant. During long and exhausting marches, through the forests and over mountains, the natives, by chewing this nut, avail themselves of its restorative, fatigue-lessening properties. It acts as a powerful stimulant, tonic and nourisher as well as Sustainer. The marchers require little other food at such times, and remain in fine physical condition. Kola Nut of high quality is used in the manufacture of Holbrook's Ka-Kolo." Misbranding was alleged for the further reason that the label failed to bear a statement of the quantity or proportion of acetanilid contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the following statements in the labeling were statements regarding the curative and therapeutic effects of the article, and were false and fraudulent: (carton) "For the Relief of Nervous or Sick Headache, \* \* \* Grip, Alcoholic Depression and to Ease Pain"; (circular) "\* \* \* and all Nervous Troubles For the Relief of Nervous or Sick-Headaches, \* \* \* Woman's Ills, Asthma, Indigestion, Malaria, \* \* \* and La Grippe, and to counteract the effect of Alcoholic Stimulants. \* \* \* Caffeine The active principle of Kola Nut, Guarana and Coffee, has a remarkable restorative effect upon the muscles, particularly muscles exhausted by severe physical effort. It lessens fatigue when induced by labor, whether mental or physical, and conversely, prevents fatigue by arresting the tissue waste in the muscles. It is a safe stimulant to the brain, clearing the mind and dissipating gloom. The action of the heart and respiration are strengthened by its use, and the body generally invigorated. Caffeine puts an unroused person into a thoroughly roused condition, by imparting instantly that excitement which he lacks One may find in it the means for doing a large amount of work in a given time without food yet without fatigue or a sense of overwork. Its remarkable restorative powers render it valuable to individuals who suffer from Neuralgia of a vague character, probably due to muscular fatigue. It will readily be seen why Dr. Holbrook's Ka-Kolo gives such prompt relief in all forms of Headache, for Migraine or Nervous Sick-Headache especially,—the Headaches from which anemic, nervous and hysterical women suffer so much,—as well as other pains peculiar to their condition and sex. \* \* \* For indigestion, Dyspepsia or Sour Stomach:— \* \* \* For late night's dissipation:— \* \* \* For Relieving Pain in Rheumatism, \* \* \* Painful Menstruation, etc.:—One Powder every two hours, until relieved. For \* \* \* Influenza and La Grippe:—One Powder every one or two hours, until relieved. For Sleeplessness:—One Powder on retiring. For delicate females, and persons who are sensitive to, or quickly respond to the action of medicines, the dose should be smaller—One-half Powder, repeated if necessary For Children— $\frac{1}{4}$  to  $\frac{1}{2}$  Powder, according to age."

On September 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23275. Misbranding of Sannette Powder. U. S. v. 22 Packages of Sannette Powder. Default decree of condemnation and destruction. (F. & D. no. 33149. Sample no. 61087-A.)**

This case involved a drug preparation which was labeled with unwarranted curative and therapeutic claims.

On July 30, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Sannette Powder at Louisville, Ky., alleging that the article had been shipped in interstate commerce, on or about February 19, 1934, by Sannette, Inc., from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.